

CLOSED

**U.S. District Court
Northern District of Alabama (Southern)
CIVIL DOCKET FOR CASE #: 2:06-cv-04798-IPJ**

Hygia Health Services, Inc. v. United States Food & Drug
Administration
Assigned to: Judge Inge P Johnson
Cause: 05:552 Freedom of Information Act

Date Filed: 12/01/2006
Date Terminated: 03/21/2007
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff**Hygia Health Services, Inc.**

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V.

Defendant**United States Food & Drug
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Date Filed	#	Docket Text
12/01/2006	<u>1</u>	COMPLAINT against United States Food & Drug Administration (Filing fee \$ 350, Receipt #200 231714.) , filed by Hygia Health Services, Inc..(ASL,) (Entered: 12/01/2006)

		12/01/2006)
12/01/2006	<u>2</u>	Summons Issued as to United States Food & Drug Administration, del to pla for service. (ASL,) (Entered: 12/01/2006)
12/15/2006	<u>3</u>	Return of service on U.S. Attorney by Hygia Health Services, Inc. > (Gidiere, P) Modified text on 12/19/2006 (MAA,). (Entered: 12/15/2006)
12/18/2006	<u>4</u>	Return of service on U.S. Food & Drug Administration by Hygia Health Services, Inc. of service of Summons and Complaint on FDA (Gidiere, P) Modified text on 12/19/2006 (MAA,). (Entered: 12/18/2006)
01/04/2007	<u>5</u>	ANSWER to Complaint by United States Food & Drug Administration. (Ragland, Edward) (Entered: 01/04/2007)
01/04/2007		Set/Reset Deadlines: Rule 26 Meeting Report due by 3/4/2007. (ASL,) (Entered: 01/05/2007)
01/05/2007	<u>6</u>	ORDER SETTING TRIAL Pretrial Conference set for 8/27/2007 in Bham AL; non-jury trial set for 9/4/2007 09:00 AM before Judge Inge P Johnson in Bham AL; parties are ordered to submit report of parties' planning in accord with this trial date. Signed by Judge Inge P Johnson on 1/5/07. (ASL,) (Entered: 01/05/2007)
01/17/2007	<u>7</u>	REPORT of Rule 26(f) Planning Meeting. (Gidiere, P) (Entered: 01/17/2007)
01/18/2007	<u>8</u>	SCHEDULING ORDER Dispositive Motions due by 2/15/2007. Pretrial Conference set for 8/27/2007. non-jury trial set for 9/4/2007 09:00 AM before Judge Inge P Johnson. Signed by Judge Inge P Johnson on 1/18/07. (Attachments: # <u>1</u> Exhibit A – Summary Judgment Scheduling ORDER)(ASL,) (Entered: 01/18/2007)
01/26/2007	<u>9</u>	MOTION for Summary Judgment by Hygia Health Services, Inc.. (Gidiere, P) (Entered: 01/26/2007)
01/26/2007	<u>10</u>	Brief re <u>9</u> MOTION for Summary Judgment of <i>Plaintiff Hygia Health Services, Inc.</i> . (Gidiere, P) (Entered: 01/26/2007)
01/26/2007	<u>11</u>	NOTICE by Hygia Health Services, Inc. re <u>9</u> MOTION for Summary Judgment of <i>Filing Evidence in Support</i> (Gidiere, P) (Entered: 01/26/2007)
02/09/2007	<u>12</u>	First MOTION for Extension of Time to File Response/Reply as to <u>9</u> MOTION for Summary Judgment by United States Food & Drug Administration. (Ragland, Edward) (Entered: 02/09/2007)
02/12/2007	<u>13</u>	ORDER granting <u>12</u> Motion for enlargement of time to file opposition to pla's motion for summary judgment; dft has until 2/15/07 in which to file opposition to pla's motion for summary judgment. Signed by Judge Inge P Johnson on 2/12/07. (ASL,) (Entered: 02/12/2007)
02/15/2007	<u>14</u>	MOTION for Summary Judgment by United States Food & Drug Administration. (Ragland, Edward) (Entered: 02/15/2007)
02/15/2007	<u>15</u>	Evidentiary Material re: <u>14</u> MOTION for Summary Judgment. (Attachments: # <u>1</u> Exhibit Declaration of Larry D. Spears# <u>2</u> Exhibit Page 1 of Establishment Inspection Report# <u>3</u> Exhibit Declaration of Frederick J. Sadler# <u>4</u> Exhibit Hygia FOIA Request dated Jan 18 2007)(Ragland, Edward) (Entered: 02/15/2007)
02/15/2007	<u>16</u>	Brief re <u>14</u> MOTION for Summary Judgment. (Ragland, Edward) (Entered: 02/15/2007)
02/16/2007	<u>17</u>	ORDER that pla shall have until 3/1/07 in which to file its opposition to dft's motion for summary judgment. Signed by Judge Inge P Johnson on 2/15/07. (ASL,) (Entered: 02/16/2007)
02/23/2007	<u>18</u>	RESPONSE in Opposition re <u>14</u> MOTION for Summary Judgment of <i>FDA</i> filed by Hygia Health Services, Inc.. (Gidiere, P) (Entered: 02/23/2007)
02/23/2007	<u>19</u>	NOTICE by Hygia Health Services, Inc. of <i>Filing Additional Evidence for Summary Judgment Motions</i> (Gidiere, P) (Entered: 02/23/2007)

02/23/2007	<u>20</u>	MOTION for Leave to Appear for Oral Argument <i>and In Camera Review</i> by Hygia Health Services, Inc.. (Gidiere, P) (Entered: 02/23/2007)
03/05/2007	<u>21</u>	MOTION for Leave to File <i>Supplemental Declaration of Frederick J. Sadler in Support of Defendant's Motion for Summary Judgment</i> by United States Food & Drug Administration. (Attachments: # <u>1</u> Affidavit Supplemental Declaration of Frederick J. Sadler)(Ragland, Edward) (Entered: 03/05/2007)
03/05/2007	<u>22</u>	Brief re <u>14</u> MOTION for Summary Judgment, <u>18</u> Response in Opposition to Motion --- <i>Defendant's Brief in Reply to Plaintiff's Opposition</i> . (Ragland, Edward) (Entered: 03/05/2007)
03/06/2007	<u>23</u>	RESPONSE in Opposition re <u>20</u> MOTION for Leave to Appear for Oral Argument <i>and In Camera Review</i> filed by United States Food & Drug Administration. (Ragland, Edward) (Entered: 03/06/2007)
03/09/2007	<u>24</u>	ORDER granting <u>20</u> Motion requesting in camera inspection as set out in this order; court withholds ruling regarding pla's request for oral argument. Signed by Judge Inge P Johnson on 3/8/07. (ASL,) (Entered: 03/09/2007)
03/12/2007	<u>25</u>	Opposition to re <u>21</u> <i>Defendant's Motion for Leave to File Supplemental Declaration</i> filed by Hygia Health Services, Inc.. (Gidiere, P) (Entered: 03/12/2007)
03/16/2007	<u>26</u>	RESPONSE to re <u>24</u> <i>Order Entered March 9, 2007</i> filed by United States Food & Drug Administration. (Ragland, Edward) (Entered: 03/16/2007)
03/21/2007	<u>27</u>	MEMORANDUM OPINION. Signed by Judge Inge P Johnson on 3/21/07. (ASL,) (Entered: 03/21/2007)
03/21/2007	<u>28</u>	ORDER in accordance with memorandum opinion, granting pla's motion for summary judgment; denying dft's motion for summary judgment; pla is entitled to judgment as a matter of law, dft is ORDERED to disclose and release the "Alliance Medical Corporation Trip Report" to Hygia forthwith; denying dft's motion for leave to file supplemental declaration in support of dft's motion for summary judgment; finding as moot pla's motion requesting oral argument. Signed by Judge Inge P Johnson on 3/21/07. (ASL,) (Entered: 03/21/2007)
03/26/2007	<u>29</u>	MOTION for Attorney Fees <i>and Costs</i> by Hygia Health Services, Inc.. (Gidiere, P) (Entered: 03/26/2007)
03/26/2007	<u>30</u>	MOTION for Reconsideration re <u>28</u> Order Dismissing Case,, by United States Food & Drug Administration. (Ragland, Edward) (Entered: 03/26/2007)
03/26/2007	<u>31</u>	Brief re <u>30</u> MOTION for Reconsideration re <u>28</u> Order Dismissing Case,, (Ragland, Edward) (Entered: 03/26/2007)
03/26/2007	<u>32</u>	MOTION to Stay by United States Food & Drug Administration. (Ragland, Edward) (Entered: 03/26/2007)
03/27/2007	<u>33</u>	ORDER it is hereby ORDERED that plaintiff respond to the <u>30</u> Motion for Reconsideration within 14 days, it is FURTHER ORDERED that this action is STAYED during the court' consideration of the motion for reconsideration, it is FURTHER ORDERED that the court withholds ruling on the Motion for Costs and Attorney's Fees . Signed by Judge Inge P Johnson on 3/27/2007. (KSS,) (Entered: 03/27/2007)
03/30/2007	<u>34</u>	MOTION for Extension of Time to File Response/Reply as to <u>29</u> MOTION for Attorney Fees <i>and Costs</i> by United States Food & Drug Administration. (Ragland, Edward) (Entered: 03/30/2007)
04/02/2007	<u>35</u>	ORDER granting <u>34</u> Motion for enlargement of time to file opposition to pla's motion for costs and atty fees; dft has until five (5) business days after entry of any order which triggers the court's consideration of pla's motion for fees. Signed by Judge Inge P Johnson on 4/2/07. (ASL,) (Entered: 04/02/2007)
04/09/2007	<u>36</u>	RESPONSE in Opposition re <u>30</u> MOTION for Reconsideration re <u>28</u> Order Dismissing Case,, filed by Hygia Health Services, Inc.. (Borden, Alexia) (Entered: 04/09/2007)

04/11/2007	<u>37</u>	Second MOTION for Attorney Fees by Hygia Health Services, Inc.. (Gidiere, P) (Entered: 04/11/2007)
04/11/2007	<u>38</u>	MEMORANDUM OPINION AND ORDER denying <u>30</u> Motion for Reconsideration . Signed by Judge Inge P Johnson on 4/11/07. (ASL,) (Entered: 04/11/2007)
04/12/2007	<u>39</u>	ORDER re <u>37</u> MOTION for additional attorney fees filed by Hygia Health Services, Inc.; dft is ordered to respond to said motion w/i 14 days. Signed by Judge Inge P Johnson on 4/12/07. (ASL,) (Entered: 04/12/2007)
04/13/2007	<u>40</u>	Second MOTION to Stay re <u>28</u> Order Dismissing Case,, <i>Requiring Release of Trip Report to Plaintiff Hygia</i> by United States Food &Drug Administration. (Ragland, Edward) (Entered: 04/13/2007)
04/16/2007	<u>41</u>	ORDER granting <u>40</u> Motion to Stay; court's disclosure order is STAYED for a period of 30 days for the purpose of allowing the Department of Justice adequate time to determine whether to pursue an appeal in this case. Signed by Judge Inge P Johnson on 4/16/07. (ASL,) (Entered: 04/16/2007)
04/18/2007	<u>42</u>	RESPONSE in Opposition re <u>37</u> Second MOTION for Attorney Fees, <u>29</u> MOTION for Attorney Fees <i>and Costs</i> filed by United States Food &Drug Administration. (Ragland, Edward) (Entered: 04/18/2007)
04/25/2007	<u>43</u>	NOTICE by Hygia Health Services, Inc. re <u>37</u> Second MOTION for Attorney Fees, <u>29</u> MOTION for Attorney Fees <i>and Costs</i> <i>Withdrawing Motions for Costs and Attorney Fees</i> (Gidiere, P) (Entered: 04/25/2007)
04/25/2007	<u>44</u>	ORDER re <u>43</u> Notice of withdrawal of motion for costs and atty fees filed by Hygia Health Services, Inc., which court deems a motion and said motion is GRANTED; pla's motions for costs and atty fees, docs <u>29</u> and <u>37</u> are WITHDRAWN . Signed by Judge Inge P Johnson on 4/25/07. (ASL,) (Entered: 04/25/2007)